

FILED 11-24-1991

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ORDINANCE NO. 007 -1991

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY AMENDING ORDINANCE NO. 008-1988 RELATING TO THE UPPER KEYS HEALTH CARE TAXING DISTRICT PROVIDING FOR EXPANSION OF THE ADVISORY BOARD OF THE UPPER KEYS HEALTH CARE TAXING DISTRICT; PROVIDING FOR INCORPORATION OF RESOLUTION 475-1989 CONCERNING CARRY-OVER FUNDING AND RECEIPT OF ANY OTHER FUNDS; PROVIDING FOR OWNERSHIP AND MAINTENANCE OF ANY EQUIPMENT OR FACILITIES IMPROVEMENTS ACQUIRED THROUGH DISTRICT FUNDING; PROVIDING FOR FINDINGS OF PUBLIC PURPOSE FOR FUND UTILIZATION AND PROVIDING FOR PURCHASE REVIEW OF THE UPPER KEYS HEALTH CARE TAXING DISTRICT ADVISORY BOARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCES INCONSISTENT HERewith; PROVIDING FOR INCORPORATION INTO THE MONROE COUNTY CODE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on January 19, 1988, the Board of County Commissioners of Monroe County, Florida, created the Upper Keys Health Care Taxing District to provide for a means of increasing facility upgrading within the District to decrease reliance upon areas outside of Monroe County for certain types of health care while at the same time assuring accessibility and transport for those instances where such care is not yet available within the District, and

WHEREAS, an Upper Keys Health Care Taxing District Advisory Board, consisting of five members, was created in the same ordinance to oversee the Taxing District and to make Taxing District recommendations to the Board of County Commissioners, acting as the governing body of the Upper Keys Health Care Taxing District, and

WHEREAS, there is now a need to expand the Upper Keys Health Care Taxing District Advisory Board for further representation, and

WHEREAS, the Board of County Commissioners of Monroe County, acting as governing body of the Upper Keys Health Care Taxing District, provided, in Resolution 475-1989, for handling of carry-over funding and receipt of any other funds, and now desires to incorporate such into the Ordinance creating the Upper Keys Health Care Taxing District, and to repeal such previous resolution, and

WHEREAS, the Board of County Commissioners, acting as governing body of the Upper Keys Health Care Taxing District, desires to establish and confirm statutory provisions and parameters relating to ownership and maintenance of any capital equipment and facilities improvements provided for in Ordinance 008-1988, in establishing the Upper Keys Health Care Taxing District, and,

WHEREAS, the Board of County Commissioners, acting as the governing body of the Upper Keys Health Care Taxing District, desires to convey to the Advisory Board of the Upper Keys Health Care Taxing District the ability to act as a purchasing review agent, for such specialized equipment as may be subsequently purchased by the District, so as to oversee the intent and fulfillment of the purposes of the District, now, therefore,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA:

Section 1.      Section 5. Governing Body      of Ordinance 008-1988 is hereby amended to read:

"Section 5. Governing Body.

The governing body of the Health Care Taxing District shall be the Board of County Commissioners of Monroe County.

The governing body shall be advised by an advisory panel who shall be responsible for operations of the Health Care Taxing District as to budgetary and procedural recommendations to the Board of County Commissioners.

The governing body of the Health Care Taxing District shall act in concert with any other Health Care Taxing District, and its Advisory Board similarly created, for the purposes of unified contractual arrangements so required by and for each District.

The Advisory Board of each Health Care Taxing District shall be composed of the following members who are residents of the District:

1. A representative of the District's Hospital, as selected by the Board of County Commissioners upon recommendation by the Board of Directors of that Hospital;
2. A representative from the emergency medical services system within the District, selected by the Board of County Commissioners from a list containing one recommendation by each system;
3. Five citizens of the County who are residents of the District, including physicians, who have demonstrated an interest in

the health care needs of the citizens of that district."

Section 2. Resolution No. 475-1989 is hereby repealed, and the contents incorporated into this Ordinance as described in Section 3. below.

Section 3. Section 6. POWERS AND DUTIES of Ordinance No. 008-1988 is hereby amended to add the following sub paragraphs:

"10. Funds remaining at the end of a fiscal year in each percentage utilization category shall be carried forward to the next fiscal year in a separate fund balance forward account and appropriated into the same category, except that, at the option and request of the Upper Keys Health Care Taxing District Advisory Board and approval of the Board of County Commissioners, funds may be transferred between categories as the Advisory Board may so indicate as needed as long as the paramount direction given by this Ordinance is followed, according to the priority of purposes enumerated herein."

Section 4. Ordinance No. 008-1988 is hereby amended to add the following Section, with consecutive renumbering of the remaining sections:

Section 7. EQUIPMENT AND FACILITIES OWNERSHIP AND MAINTENANCE RESPONSIBILITIES.

Appropriate provisions relating to special taxing districts established in Florida Statutes 125.01(1)(g) as are contained in Florida Statutes Chapters 255, 274,

and any other applicable statute shall govern title, ownership and maintenance of facilities and/or equipment purchased under the provisions of this Ordinance, except that such custody of facilities and/or equipment as designated by the governing body, upon recommendation of the Advisory Board, is delegated to the District Hospital for its use and immediate control per the provisions of Florida Statute Chapter 274, esp. Sec. 274.03.

Such custodian shall be responsible to the District for the safekeeping and proper use of the property entrusted to his care, to include any and all insurances for the value of the equipment and any maintenance or service contracts relating to such equipment for its service life.

The District Hospital shall permit and allow inspection of equipment and any documents relating to such insurances and maintenance and/or service contacts relating to such equipment.

Section 5. Ordinance No. 008-1988 is hereby amended to add the following section, with consecutive renumbering of the following sections:

Section 8. DECLARATION OF PUBLIC PURPOSE AND INTENT CONCERNING EQUIPMENT AND/OR FACILITIES.

It is hereby understood and intended that utilization of any such equipment and/or facilities provided by the District for utilization by the District Hospital shall only be authorized so long as

the District Hospital remains a not-for-profit community foundation hospital.

It is recognized that the clear intent and paramount purpose of purchase and utilization of such equipment and/or facilities by the District Hospital is for the purposes recognized by this Ordinance: that in order to protect the health, safety and welfare of the citizens and visitors of the District who may be subjected to trauma-related injury, the Board of County Commissioners finds that there is a need, as recognized by itself and by the State of Florida in Florida Statutes 395.031, 395.032, 395.036, 395.102 and the Roy E. Campbell Trauma Act of 1990, for providing upgrading and enhancing of facilities for such type of health care facilities as may be available within the District, and so as to decrease reliance upon areas outside of the District for such types of health care.

The Board of County Commissioners hereby finds that the Upper Keys Health Care Taxing District, together with and in relation to other Emergency Medical Services of Monroe County do provide those service requirements statutorily enumerated for qualification as a "local trauma agency" within the context of Florida Statutes 395.031, and any and all such utilization of funds as generated and expended within the District serves those purposes enumerated, and hereby directs the District Advisory Board to develop and coordinate with the Florida Department of

Health and Rehabilitative Services recognition of the District as local trauma agency, for the furtherance of the intent and purposes of this ordinance.

The Board of County Commissioners of Monroe County further finds that the purposes of the Upper Keys Health Care Taxing District conforms to Florida State Constitution, s.1, Article VII, in that the power to levy and collect taxes and the power to appropriate public funds are coexistent in that the tax levied for the Upper Keys Health Care Taxing District is levied for particular purposes as enumerated in this ordinance.

The Board of County Commissioners of Monroe County further finds that this Ordinance clearly identifies a concrete public purpose as the primary objective of its enactment, and a reasonable expectation exists and has been demonstrated that such purpose is substantially and effectively being accomplished by the disbursement of public funds or property to a nongovernmental agency, in that those purposes served are paramount public purposes as enumerated in State of Florida trauma legislation.

Section 6. Ordinance No. 008-1988 is further amended by the addition of the following section, with subsequent sections to be consecutively renumbered:

Section 9. PURCHASING REVIEW POWERS

The Advisory Board of the Upper Keys Health Care Taxing District is hereby empowered and directed to

perform purchasing review screening authority concerning any and all equipment and/or facilities requests by the District Hospital, so as to assure implementation of the purposes of this Ordinance, in order to recommend to the Board of County Commissioners and its Purchasing Department selections and justifications of requested equipment, within existing or future County Purchasing Procedures, recognizing that highly specialized equipment, for such purposes as enumerated by this Ordinance, necessarily may require particular usage and performance standards.

Section 7. SEVERABILITY.

If any section, subsection, sentence, clause or provision of this Ordinance is held invalid, the remainder of this Ordinance shall not be affected by such invalidity.

Section 8. REPEAL.

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of said conflict.

Section 9. INCLUSION IN THE CODE.

The provisions of this ordinance, together with the remaining provisions of Ordinance No. 008-1988, shall be included and incorporated into the Monroe County Code as an addition or amendment thereto and shall be appropriately renumbered to conform with the uniform numbering system of the Code.

Section 10. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon receipt of official notice from the Office of the Secretary of State of the



State of Florida, that this ordinance has been filed with said office.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said Board held on the 15th day of May, 1991.

BOARD OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, FLORIDA

By Wilhelmina Horrey

(SEAL)

Attest: DANNY L. KOLHAGE, Clerk

Daniel L. Connolly, D. L.  
CLERK

EFFECTIVE DATE: \_\_\_\_\_

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY.

By \_\_\_\_\_  
County Clerk

Date \_\_\_\_\_